



Re: Agostini v. U.S. Securities and Exchange Commission, 15-cv-9595

L A

to:

Vargas, Jeannette (USANYS), ALCarteNYSDChambers@nysd.uscourts.gov
12/15/2015 12:16 PM

Cc:

"Lin, Jean (CIV)", "Grogg, Adam A. (CIV)", "Myers, Steven A. (CIV)"

Hide Details

From: L A <ebxonline@yahoo.com>

To: "Vargas, Jeannette (USANYS)" <Jeannette.Vargas@usdoj.gov>,
"ALCarteNYSDChambers@nysd.uscourts.gov"

<ALCarteNYSDChambers@nysd.uscourts.gov>

Cc: "Lin, Jean (CIV)" <Jean.Lin@usdoj.gov>, "Grogg, Adam A. (CIV)"

<Adam.A.Grogg@usdoj.gov>, "Myers, Steven A. (CIV)" <Steven.A.Myers@usdoj.gov>

Please respond to L A <ebxonline@yahoo.com>

History: This message has been replied to.

12-15-15

Mrs. Vargas,

Pursuant to ECF Rules 9.1 and 9.2 regarding Service of Documents by Filing on the Electronic Case Filing (ECF) System, the docketing of *Agostini v. U.S. Securities and Exchange Commission* on December 3rd, 2015 (Case No.: CV-15-09595) on the Court's ECF system by the Pro Se Intake Unit is deemed to be service under Rule 5(b) of the Federal Rules of Civil Procedure, therefore service has been effectuated. Parties who have lawyers may obtain copies on ECF, therefore no mailing of documents or affirmation of service is required.

The attorneys that you have copied as a result of your/their acknowledgment of the pending matter on your December 7th, 2015, December 11th, 2015 and December 14th, 2015 correspondence(s) to the Court and Plaintiff, are also hereby being notified of the aforementioned.

Plaintiff is hereby respectfully requesting the Court to expedite Plaintiff's case, and order a judgement enjoining the SEC Commission from continuing to pursue its unconstitutional administrative proceeding against Plaintiff as requested, pursuant to Rule 65 of the Federal Rules of Civil Procedure, scheduled to begin on January 4th, 2016 in New York before an SEC Administrative Law Judge. Plaintiff is respectfully requesting the same or similar relief as given to Duka and Tilton in *Duka v. U.S. Securities and Exchange Commission* ("Duka"), No. 15-CV-357 and *Tilton v. U.S. Securities and Exchange Commission* ("Tilton"), No. 15-CV-2472, respectively.

A courtesy copy of Plaintiff's response to Defendant's December 14th, 2015 electronic correspondence (see below) is being transmitted to the Honorable Judge Andrew L. Carter, Jr., by electronic mail to ALCarteNYSDChambers@nysd.uscourts.gov

Respectfully Submitted,
Luigi Agostini, Pro Se

From: "Vargas, Jeannette (USANYS)" <Jeannette.Vargas@usdoj.gov>
To: L A <ebxonline@yahoo.com>
Cc: "Lin, Jean (CIV)" <Jean.Lin@usdoj.gov>; "Grogg, Adam A. (CIV)" <Adam.A.Grogg@usdoj.gov>
Sent: Monday, December 14, 2015 5:32 PM
Subject: RE: Agostini v. U.S. Securities and Exchange Commission, 15-cv-9595

Mr. Agostini,

I write to inform you that, pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, service upon a federal agency such as the SEC is only accomplished by:

- (1) Delivering a copy of the summons and complaint to the United States Attorney's Office for the Southern District of New York, which is located at 86 Chambers Street, Third Floor, New York, NY

10007. Service can be accomplished by hand, by certified mail, or by registered. Please address it to the Civil Process Clerk.

- (2) Sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States; and
- (3) Sending a copy of the summons and complaint by registered or certified mail to the SEC.

All three steps must be completed to effectuate service. As of the present date, we have no record of the summons and complaint being served upon the U.S. Attorney's Office or the Attorney General. Moreover, proof of service has not been filed with the Court. Pursuant to Rule 12(a)(2), the Government's time to respond to the complaint will not begin to run until after the U.S. Attorney's Office has been served.

Jeannette A. Vargas
Assistant United States Attorney for the
Southern District of New York
86 Chambers Street, Third Floor
New York, New York 10007
Tel: 212-637-2678
Fax: 212-637-2686

From: L A [mailto:ebxonline@yahoo.com]
Sent: Tuesday, December 08, 2015 6:06 PM
To: Vargas, Jeannette (USANYS)
Cc: Lin, Jean (CIV); Myers, Steven A. (CIV)
Subject: Re: Agostini v. U.S. Securities and Exchange Commission

Dear Mrs. Vargas,

Please see the attached document(s), which was hand delivered to the Court today. Please note, on the Service List, the correct date regarding the cover letter to the Pro Se Intake Unit is December 8th, 2015.

Respectfully,
Luigi Agostini, *Pro Se*

From: "Vargas, Jeannette (USANYS)" <Jeannette.Vargas@usdoj.gov>
To: "ebxonline@yahoo.com" <ebxonline@yahoo.com>
Cc: "Lin, Jean (CIV)" <Jean.Lin@usdoj.gov>; "Myers, Steven A. (CIV)" <Steven.A.Myers@usdoj.gov>
Sent: Monday, December 7, 2015 6:12 PM
Subject: Agostini v. U.S. Securities and Exchange Commission

Dear Mr. Agostini,

Please see the attached letter, which was hand delivered to the Court this evening.

Jeannette

Jeannette A. Vargas
Assistant United States Attorney for the
Southern District of New York
86 Chambers Street, Third Floor

New York, New York 10007
Tel: 212-637-2678
Fax: 212-637-2686